



SSI for TAY with Special Needs

Agenda

- Overview of Supplemental Security Income (SSI)
- Overview of County Responsibilities
- Case Studies
- SSI Application Process
- Common Barriers & Solutions

OVERVIEW OF SSI

What is Supplemental Security Income (“SSI”)?

- SSI is a federal program that pays a monthly benefit and provides Medi-Cal to persons with qualifying disabilities
- Eligibility:
 - Little or no income
 - Few or no resources
 - U.S. Citizen (or certain categories of immigrants)
 - “Disabled” —Marked or severe functional limitation expected to result in death or last for at least 12 continuous months

Definition of Disability

- Physical and/or mental impairment that has or will last 12 months or result in death AND limits functioning
- Functional Limitation Standard:
 - Children—cannot function in an age appropriate manner
 - Adults—cannot engage in substantial gainful employment

SSI: What Do They Get?

- Medicaid + Cash Benefit
 - Disabled child - \$815.15
 - Disabled child in the home of another - \$568.67
 - Independently living adult - \$910.72
- Non-Medical Out of Home Care: \$1173.37
 - Children who are not living with their parents (applies to youth living with a foster parent, relative caregiver, or guardian)
 - Must complete the **SSP 22** to get the full benefit.

SSI: When Does it End?

- Continues as long as disability, income and resources criteria are met
- Different disability standard for adults
 - Continuing Disability Review (“CDR”) to determine if the youth meets adult disability criteria
 - Benefits continue until CDR is complete – no need to reapply at 18.

How Can SSI Help a NMD Transition Out of Foster Care?

- Links to Medi-Cal (while in care and after the youth exits care)
- May qualify youth for permanent affordable housing (can use time in EFC to apply for these housing slots!)
- Programs to help youth pursue education or attempt work without losing eligibility
- Can receive school scholarships and SSI simultaneously
- Allows youth additional time to establish SSI eligibility under adult standards
- Allows caregivers to continue caring for youth with disabilities after they age out of care

ASSEMBLY BILL 1331

County Responsibilities: Screen & Submit

- **County Responsibilities under AB 1331 (WIC § 13757)**
 1. Screen all youth who are in foster care and are between the ages of 16.5 and 17.5 years of age for a physical or mental disability using an “SSI Disability Screening Guide.”
 2. Submit an SSI application on behalf of those youth who are determined likely eligible for benefits.

Goal: Ensure that TAY with disabilities make a safe, supported transition out of foster care

Eligibility Screening

- **Note:** Counties' obligation to screen youth for SSI eligibility has not changed as the result of extended foster care.
- All youth must be screened before age 17.5, even if they are going to remain in foster care until age 21.
- SSI Disability Screening Tool (FC 1633A) developed

Why Is It Important to Complete the SSI Determination Before Age 18?

- Evidence used to establish SSI eligibility for a child helpful in establishing ongoing eligibility for a youth adult
- Ensuring SSI is in place at age 18 provides youth maximum flexibility and choice among benefits, services and supports
- Even if a youth is determined to no longer meet the criteria after turning 18, they can continue to receive SSI if:
 - Participating in the Ticket to Work and Self-Sufficiency Program or other program of vocational rehabilitation, employment or other support services – AND –
 - Completion of the program or continued participation for a specified period increases the likelihood that the youth will not return to SSI
 - **NOTE:** Continuation in an IEP program is automatically considered an acceptable program that will reduce dependence on benefits.

CASE STUDIES: ELIGIBILITY SCREENING

Eligibility Screening: Serena

- Serena is seventeen years old and in the 11th grade. She has had an IEP since 2nd grade, and has been diagnosed with ADHD. She also receives Regional Center services due to a diagnosis of borderline intellectual functioning. Serena is in a mainstream classroom, but she sometimes leaves class when she is bored or frustrated. When she was younger, she used to have angry outbursts, but her school counselor says that they don't happen very often any more.
- Serena also has asthma and uses an inhaler. She needs reminders to use her inhaler, and the school provides her with a 1:1 aide during breaks and lunch so someone can monitor her asthma.

Eligibility Screening: Justin

- Justin just turned 17 and is in 11th grade. He is in advanced classes and wants to go to a four-year university. He was diagnosed with anxiety last year, and now takes medication daily. Once in a while, he forgets to take his medication until his prospective legal guardian reminds him.
- In the last two months, Justin has missed 5 days of school because he has gotten very anxious in the morning before school. On those days, he always makes up the work and his grades have not suffered.
- Justin has started seeing a therapist, but he says it is not helping him and does not want to continue. Justin wants everyone to leave him alone so he can focus on getting good grades and going to college.

Bonus Question

- Will the fact that Justin wants to attend college affect his SSI application?

SSI APPLICATION PROCESS

What Happens Next?

- If “Yes” answers, submit screening and supporting documentation to designated liaison
- If all “No” answers, retain copy of screening form in youth’s file

Overview of SSI Process

- Step 1: Application
 - Can take approximately 6 months to receive decision
 - Are almost always denied
- Step 2: Reconsideration
 - Have 60 days to request reconsideration after denial
 - Can take an additional 3-4 months to receive decision
 - Opportunity to submit new/additional evidence
 - Most are denied
- Step 3: Administrative Hearing
 - Have 60 days to request hearing after denial
 - Can take 6 months+
 - Youth may need to testify before administrative judge

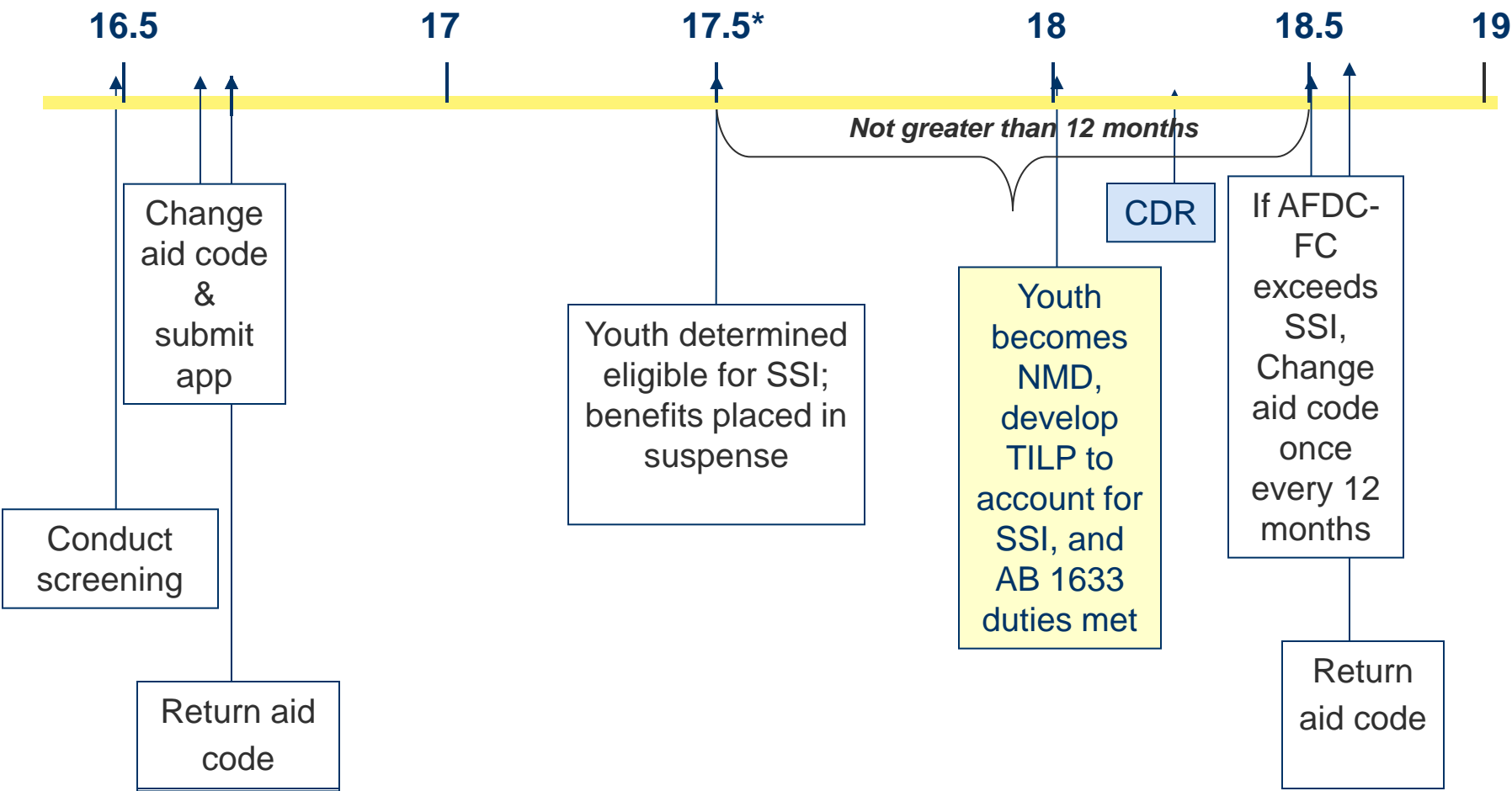
County Responsibility: Submit

- County child welfare agencies are responsible for submitting SSI applications on behalf of TAY screened as eligible
- Best Practices:
 1. Submit early to ensure that youth exits care with SSI benefits
 2. Use existing information instead of relying on caregiver or youth to produce information
 - Medical Records
 - Education Records
 - Special Education Evaluations & IEPs
 - Regional Center Evaluations & IPPs
 - Contact Information
 3. Track appeal deadlines and submit timely appeals
 - If appeal is not submitted timely, youth may need to restart process, losing time and retroactive benefits

SSI Benefits for NMDs

- NMDs cannot receive both the full amount of SSI and the full amount of federal foster care funding at same time
- If federal foster care funding is higher, NMD's SSI benefits are temporarily suspended to preserve eligibility
- Once foster care funding ends at 21, NMDs can continue to receive SSI benefits

Sample SSI Application Timeline



Representative Payees

- The County should be the payee of last resort.
 - “The county shall apply to be appointed representative payee on behalf of a child beneficiary in its custody when no other appropriate party is available to serve.” (WIC 13754)
- A legal guardian or caregiver can become payee by making a request with the local Social Security Office.
 - Good idea? When the child is receiving SSI benefits, but the caregiver is receiving less than \$1100 for the child.

Common Barriers to SSI Benefits

- Lack of medical or education information/records
 - Ex. Youth is not receiving treatment/in school
 - Ex. Provider/School will not disclose records to caregiver
 - Ex. Caregiver does not have much information about the youth
- Failure to engage treating provider
- Limitations due to disability
 - Ex. Youth refuses to participate in treatment
 - Ex. Youth has difficulty articulating limitations/presents well
- Delay in timely filing application or appeal

Brainstorming Solutions

- What can these child welfare professionals do to overcome common barriers?
 - Youth's attorney
 - Youth's social worker
 - Treating provider
 - Bench officer
 - Foster youth education liaison
 - CASA
 - Others?

Best Practices: Using SSI Eligibility to Assist in Transition Planning

- Assist NMD in applying for permanent affordable housing
- Gain understanding of SSI programs designed to help individuals work or pursue their education
 - Ticket to Work
 - Plan to Achieve Self Sufficiency
 - Student Earned Income Exclusion
- Help youth with the Continuing Disability Review – appeal adverse decisions!

Questions?

Thank you!

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